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20 Zappos.com, Inc.

21  
22 UNITED STATES DISTRICT COURT  
23 DISTRICT OF NEVADA

24 IN RE ZAPPOS SECURITY BREACH  
LITIGATION

MDL: 2357  
Case No. 3:12-cv-00325-RCJ-VPC

16 This document relates to:

17 ALL ACTIONS  
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**STIPULATION AND ORDER  
REGARDING EMAIL NOTICE TO  
PROPOSED SETTLEMENT CLASS**

WHEREAS, on September 19, 2019, the Court entered its Order preliminarily approving a proposed class action settlement and directing notice to the proposed settlement class; and

WHEREAS, on October 7, 2019, the Court entered an Order directing email notice to the settlement class on October 15 and 16, 2019 (ECF No. 337); and

1               WHEREAS, the settlement administrator has commenced email notice pursuant  
2 to the Court's October 7 Order; and

3               WHEREAS, the settlement administrator now advises and recommends that, to  
4 prevent class notice from being blocked by internet service providers or corporate anti-spam  
5 filters, a reduced size of email distribution groups be employed, and that the distribution be  
6 spread over a longer timeframe; and

7               WHEREAS, the settlement administrator believes that email notice distribution  
8 probably can be completed by Saturday, October 19, 2019, but that it may be necessary for some  
9 notices to be distributed on Sunday, October 20, 2019, and Monday, October 21, 2019; and

10              WHEREAS, proposed settlement class members receiving their notices on  
11 October 21, 2019, will still have 39 days to object or opt out of the settlement before the  
12 November 29, 2019 deadline; and

13              WHEREAS, appellate case law confirms that notice of 30 days or more complies  
14 with Federal Rule of Civil Procedure 23 and due process. *See e.g., In re Transpacific Passenger*  
15 *Air Transportation Antitrust Litigation*, 701 Fed. App'x 554, 555 (9th Cir. 2017) (settlement  
16 provided sufficient notice to class members under Federal Rule of Civil Procedure 23 where  
17 class members were notified of the opportunity to opt out or object to the settlement no later than  
18 35 days before the final fairness hearing); *Torrissi v. Tucson Elec. Power Co.*, 8 F.3d 1370, 1375  
19 (9th Cir. 1993) (holding that timing of notice satisfied due process and Federal Rule of Civil  
20 Procedure 23 where notice was mailed 31 days before the deadline for written objections and 45  
21 days before final approval hearing).

22              The parties stipulate and agree as follows:

23              1.       Email notice to the proposed settlement class shall be completed by  
24 October 21, 2019; and

1           2. The settlement administrator shall organize the class notices into  
2 distribution groups as may be necessary to ensure proper delivery.

3 O'MARA LAW FIRM, P.C.

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19           **ORDER**

20           IT IS SO ORDERED.

21           \_\_\_\_\_  
22 ROBERT C. JONES  
United States District Judge

23 Dated: \_\_\_\_\_

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